

Please enter the following amendments and remarks:

**STATUS OF THE CLAIMS**

Claims 1-93 are pending in the Application.

Claims 1-93 stand rejected by the Examiner.

Claims 6 and 83 have been amended, without prejudice, herein.

**REMARKS**

Reconsideration of the present Application is respectfully requested.

**Response After Final**

Entry of this Response is respectfully requested on the ground that this Response places the application in condition for allowance. Alternatively, entry of this Response is respectfully requested on the ground that this Response places the claims in better form and condition for appeal. Furthermore, Applicant submits that any arguments or amendments made regarding the claims do not require an additional search on the part of the Office, nor do any arguments or amendments made herein raise new issues with regard to the patentability of the claims now pending.

**Claim Rejections Pursuant to 35 U.S.C. §102(e)**

Claims 1, 5-6, 16-17, 20-21, 23-24, 34-36, 39, 41-42, 44 and 46-49 have been rejected under 35 U.S.C. §102(e) as being anticipated by Gudjonsson (U.S. Patent No. 6,564,261). Applicant respectfully traverses this rejection for at least the following reasons.

35 U.S.C. §102(e) recites:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Consistently, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See, M.P.E.P. §2131 citing Verdegaa Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).*

Applicant respectfully submits the present Office Action continues to mischaracterize the teaching of Gudjonsson. As stated in the present Office Action with regard to claims 1, 6, 24 and 42, the Examiner asserts that Gudjonsson purportedly discloses, in part, "a method for communicating hosted application information to allow sharing of a hosted application session (Column 7, lines 44-57), comprising the steps of: instantiating a first instant messaging client on a first network access device (Column 3, lines 1-13)". Applicant respectfully submits, again, that nothing in these referenced sections of Gudjonsson, or any other portion of Gudjonsson, teaches the use of an instant messaging protocol, or any other protocol, for communicating information relating to sharing of a hosted application session. In fact, the cited portion of Gudjonsson on which the Examiner relies on reads:

Basic services which may be provided within each cluster, include, for example: 1) dynamic user properties, called online status or user's

"presence", that allows users and clients to centrally define and modify data points linked to them; these changes can either be manual (explicitly made by the user) or automatic (by some client or server side logic); 2) contact list and contact notification, that allow users to subscribe and be notified of the online status of other users, and/or be notified of change of other user's presence information; and 3) routing service, that allows users to send requests (i.e., invitations) for communication sessions to other users, as well as configure how these invitations are handled depending on the user's current presence information.

(Gudjonsson at Col. 3, lines 1-13). Applicant fails to see in the cited portion of Gudjonsson any mention of the sharing of a hosted application session, no less "parameters for sharing the hosted application session", as is asserted by the Examiner to be present.

Further, the Examiner continues to assert that Gudjonsson teaches "said second network access device running a second instant messaging client, said second instant messaging client being communicably connected to said first instant messaging client via a network, said communications path for communicating information using an instant messaging protocol between the first and second network access devices (Column 3, lines 49-57)." Again, Applicant respectfully submits that nothing in this referenced section of Gudjonsson, or any other portion of Gudjonsson, teaches the use of an instant messaging protocol for communicating information relating to sharing of a hosted application session.

In fact, the cited portion of Gudjonsson on which the Examiner relies on reads:

In certain embodiments, messages are not sent directly between users, but instead through at least one intermediate routing service (RS) provided on a server of one of the users. Thus, in certain embodiments, a user may hide or mask his/her personal information from other users even when communicating with them. In certain embodiments, a user may establish a communication session with another user without knowledge of the client device (e.g., PC, mobile phone, etc.) being used by the other user; as the network arranges for communication (e.g., text chat session, voice chat session (PC to PC, PC to PSTN, or PC to mobile phone), web conference, or pages (PC to PC, PC to SMS)) between the users regardless of the client device being used by the called user.

(Gudjonsson at Col. 3, lines 46-58). Yet again, Applicant fails to see in the cited portion of Gudjonsson any mention of an instant messaging protocol for communicating information relating to sharing of a hosted application session, as is asserted by the Examiner to be present. Even in the Examiner's Response to Argument portion of the present Office Action, the Examiner continues to assert that "Gudjonsson discloses a system that improves chatting and instant messaging by having an immediate service between end users (Column 3, lines 46-51) with each end user using an instant message program (Column 3, lines 14-16) and communication with an instant messaging protocol (Column 2, lines 20-21). (Present Office Action at pages 19-20). This does not, however, teach or suggest the sharing of shared application parameters, via instant messaging. Regarding the newest citation of Gudjonsson, the section reads:

Various companies have created networks running on top of the Internet that allow users to send each other short text messages and monitor the status of other users, where the status is usually defined as whether a user is currently connected to the network or not. This kind of functionality is currently being considered as an IETF standard called IMPP (Instant Messaging and Presence Protocol).

(Gudjonsson at Col. 2, lines 16-23). While this portion of Gudjonsson actually mentions instant messaging, it does not in any way teach the use of an instant messaging protocol for communicating information relating to the sharing of a hosted application session.

Therefore, because Gudjonsson does not teach or suggest use of an instant messaging protocol, or any other protocol, for communicating information relating to sharing of a hosted application session., and additionally teaches away from any use of an instant messaging protocol, Applicant respectfully requests reconsideration and removal of

this rejection, as claims 1, 6, 24 and 42 are patentably distinguishable over Gudjonsson. Applicant further submits that Claims 5, 16-17, 20-21, 23, 34-36, 39, 41, 44 and 46-49 are similarly distinguishable over Gudjonsson, at least by virtue of their ultimate dependency from patentably distinct base claims 1, 6, 24 or 42.

### **Claim Rejections Pursuant to 35 U.S.C. §103**

Claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Salesky (U.S. Patent No. 6,343,313). Claims 2-4, 18-19, 37-38 and 50-51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Slavin (U.S. Patent No. 6,675,193). Claims 11-12, 29-30, 43, 53, 69 and 84 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Salesky as applied to claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93 above, and in further view of Danneels (U.S. Patent No. 5,524,110). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the

references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *MPEP 706.02(j)*.

As discussed above, Gudjonsson does not teach the use of any communication path for communications parameters for sharing a hosted application session. Similarly, Salesky, Slavin and Danneels also do not teach or suggest the use of any communication path for communications parameters for sharing a hosted application session. Accordingly, the Examiner has failed to either show this limitation to be disclosed in any of the references, or provide any suggestion that a person of ordinary skill in the art, at the time the invention was made, would think to integrate the sharing of parameters for sharing a hosted application session via instant messaging, or any other protocol.

Claims 1, 6, 24, 42 and 52, as discussed above, comprise this limitation. As the Examiner has provided no substantiation for the suggestion that it would be obvious to use instant messaging to communicate parameters for sharing a hosted application session, the present rejection is improper, and should be withdrawn.

Furthermore, Claims 68 and 83 each incorporate equivalent limitations with respect to sharing parameters for sharing a hosted application session, and likewise cannot be considered obvious over the cited references.

Each of the remaining claims depends from either claim 1, 6, 24, 42, 52, 68, or 83, and accordingly is patentable by virtue of its dependence on an allowable claim.

In the present application, Applicant has specifically claimed the use of instant messaging clients and protocols for communicating information relating to sharing of a hosted application session. In addition to Gudjonsson being completely silent on a system for use with shared application sessions, Gudjonsson also *teaches away* from the use of instant messaging clients and protocols, no less using instant messaging clients and protocols, for communicating information relating to sharing of a hosted application session. Shortly after the above referenced portion of Gudjonsson mentioning of the existence of an Instant Messaging and Presence Protocol for running on top of the Internet, Gudjonsson discourages the use of instant messaging by stating:

There also is no easy way for users to configure their routing, except through limited interfaces. Instant messaging systems are typically only IP based, and do not in general allow communication across different networks. Most such systems rely on users to be connected to the system in order for their routing to be active and they disclose network addresses to other users, which potentially can be considered a security breach.

(Gudjonsson at column 2, lines 34-41). Thus, Gudjonsson not only does not disclose a method for communicating information for a shared hosted application session using an instant messaging protocol, it discourages the use of instant messaging protocols in its entirety, as instant messaging does not provide the level of security required for the system of Gudjonsson.

What Gudjonsson does disclose, is a system involving a network of server clusters. In this system, users are registered within some specific cluster and given a unique user ID, where the user ID along with the ID of the cluster (a CID) constitute a globally unique user ID (or UID) within the whole system (column 2, lines 51-60). The system of Gudjonsson is designed for maximizing the security of the system and for hiding the identity of any of the users communicating within the system, *not* for specifically using an instant messaging

protocol for communicating information related to a shared hosted application session. In this regard, Gudjonsson actually teaches the use of a "routing service" for users to send connection messages between each other within a server cluster. (Gudjonsson at Col. 9, lines 8-22). The routing service decides what to do with these messages, so that messages never pass directly between users. (Gudjonsson at Col. 9, lines 23-29). Because there is no mention of the "routing service" comprising instant messaging to transfer information regarding a shared hosted application session, and because Gudjonsson states that specific use of instant messaging would be considered a security breach, it becomes quite clear that the routing service of Gudjonsson in no way teaches use of instant messaging for passing information relating to a shared hosted application session between users.

### **CONCLUSION**

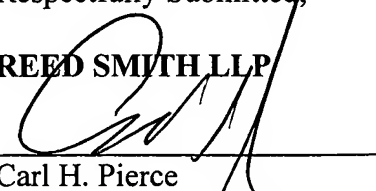
Wherefore, Applicant believes he has addressed all outstanding grounds raised by Examiner and respectfully submits that the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

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Respectfully Submitted,

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